

1 **BEFORE THE ARIZONA BOARD OF OSTEOPATHIC EXAMINERS**
2 **IN MEDICINE AND SURGERY**

4 IN THE MATTER OF:) Case No.: DO-12-0013A
5 DENNIS PARKER, D.O.,) CONSENT AGREEMENT AND ORDER
6 Holder of License No. 0819) FOR VOLUNTARY SURRENDER OF
7 For the practice of osteopathic medicine in the) LICENSE
8 State of Arizona)

9 In the interest of a prompt and judicious settlement of the above-captioned matter
10 before the Arizona Board of Osteopathic Examiners ("Board") and consistent with public
11 interest, statutory requirements and responsibilities of the Board, and pursuant to
12 A.R.S. §§ 32-1803(A)(3), 32 -1855(M) and A.R.S. §41-1092.07(F)(5), Dennis Parker
13 D.O. ("Respondent"), holder of License No. 0819 and the Board enter into this Consent
14 Agreement and Order for Voluntary Surrender ("Consent Agreement") as the final
15 disposition of this matter.

16 **JURISDICTION**

17 1. The Arizona Board of Osteopathic Examiners in Medicine and Surgery
18 ("Board") is empowered, pursuant to A.R.S. § 32-1800, *et seq.* to regulate the licensing
19 and practice of osteopathic medicine in the State of Arizona.

20 2. Respondent Dennis Parker, D.O. holds license No. 0819 issued by the
21 Board to practice as an osteopathic physician.

22 **CONSENT AGREEMENT**

23 Respondent understands and agrees that:

24 1. The Board has jurisdiction over Respondent and the subject matter pursuant
25 to A.R.S. § 32-1800 *et seq.*
26

1 2. Respondent has the right to consult with an attorney prior to entering into
2 this Consent Agreement.

3 3. Respondent has a right to a public hearing concerning this case. He further
4 acknowledges that at such formal hearing he could present evidence and cross-examine
5 witnesses. Respondent irrevocably waives his right to such a hearing.

6 4. Respondent irrevocably waives any right to rehearing or review or to any
7 judicial review or any other appeal of this matter.

8 5. This Consent Agreement shall be subject to the approval of the Board and
9 shall be effective only when accepted by the Board and signed by the Executive Director.
10 In the event that the Board does not approve this Consent Agreement, it is withdrawn and
11 shall be of no evidentiary value and shall not be relied upon nor introduced in any action
12 by any party, except that the parties agree that should the Board reject this Consent
13 Agreement and this case proceeds to hearing, Respondent will assert no claim that the
14 Board was prejudiced by its review and discussion of this document or any records
15 relating thereto.

16 6. The Consent Agreement, once approved by the Board and signed by the
17 Respondent, shall constitute a public record which may be disseminated as a formal
18 action of the Board, including reporting it to the National Practitioner Data Bank.

19 **FINDINGS OF FACT**

20 1. In July 2012, the Board opened case number DO-12-0013 after receiving
21 notification that Respondent entered into a plea agreement after being charged with a
22 felony.

23 2. On November 2, 2010, Respondent was indicted by a federal grand jury in
24 the United States District Court, District of Arizona for violations of Title 18 U.S.C. §§
25 922(g)(1) & 924(a)(2), for being a felon in possession of firearms and ammunition.
26

1 3. Respondent failed to timely report the criminal charges to the Board within
2 ten (10) days after the charges were filed.

3 4. On January 4, 2012, Respondent pleaded guilty to Felon in Possession of
4 Ammunition, in violation of Title 18, U.S.C. §§ 922(g)(1) and 924(a)(2), a Class C
5 felony, in the United States District Court, District of Arizona, Case No. 10-01580-001-
6 PHX-FJM. Respondent was sentenced to five (5) years of probation and a \$60,000 fine.

7 CONCLUSIONS OF LAW

8 1. The conduct described above constitutes unprofessional conduct as defined
9 in A.R.S. § 32-1854(2): "Committing a felony, whether or not involving moral turpitude,
10 or a misdemeanor involving moral turpitude. In either case conviction by any court of
11 competent jurisdiction is conclusive evidence of the commission." Such conduct is
12 grounds for disciplinary sanctions under A.R.S. §32-1855(I).

13 2. The conduct described above constitutes unprofessional conduct as defined
14 in A.R.S. § 32-1854(35): "Violating a federal law, a state law or a rule applicable to the
15 practice of medicine." Such conduct is grounds for disciplinary sanctions under A.R.S.
16 §32-1855(I).

17 3. The conduct described above constitutes unprofessional conduct pursuant
18 to A.R.S. § 32-3208(A), which provides that a "health professional who has been charged
19 with a misdemeanor involving conduct that may affect patient safety or a felony after
20 receiving or renewing a license or certificate must notify the health professional's
21 regulatory board in writing within ten working days after the charge is filed." Such
22 conduct is grounds for disciplinary sanctions under A.R.S. §§32-1855(I) and -3208(D).

23 ORDER FOR VOLUNTARY SURRENDER

24 Based upon the foregoing Findings of Fact and Conclusions of Law, the parties
25 agree to the following Order:

26 1. Upon the effective date of this Consent Agreement, Respondent's
license to practice as an osteopathic physician (No. 0819) shall be surrendered. The

1 effective date of this Consent Agreement is the date the Consent Agreement is accepted
2 by the Board as evidenced by the signature of the Board's Executive Director.

3 2. Respondent has read and understands this Consent Agreement as set forth
4 herein, and has had the opportunity to discuss it with an attorney or has waived the
5 opportunity to do so. Respondent voluntarily enters into this Consent Agreement for the
6 purpose of avoiding the expense and uncertainty of an administrative hearing.
7

8 3. Respondent affirmatively agrees that this Consent Agreement shall be
9 irrevocable.

10 4. Time is of the essence with regard to this Consent Agreement.

11 5. If Respondent fails to comply with the terms of this Consent Agreement,
12 the Board shall properly institute proceedings for noncompliance, which may result in
13 injunctive proceedings.
14

15 6. Respondent understands that this Consent Agreement does not constitute a
16 dismissal or resolution of other matters currently pending before the Board, if any, and
17 does not constitute any waiver, express or implied, of the Board's statutory authority or
18 jurisdiction regard any other pending or future investigation, action or proceeding.
19 Respondent also understands that acceptance of this Consent Agreement does not
20 preclude any other agency, subdivision or officer of this state from instituting other civil
21 or criminal proceedings with respect to the conduct that is the subject of this Consent
22 Agreement.
23
24

25 7. Respondent understands that the foregoing Consent Agreement and Order
26 for Voluntary Surrender shall not become effective unless and until adopted by the Board

1 and executed on behalf of the Board. Any modification to this original document is
2 ineffective and void unless mutually approved by the parties in writing.

3 DATED this 2nd day of October, 2013.

4
5 D. R. Parker D
6 Dennis Parker, D.O.
Respondent

Jenna Jones
Jenna Jones
Executive Director
Arizona Board of Osteopathic Examiners

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9 COPY of the foregoing mailed regular
10 mail this 18th day of November, 2013 to:

11 Stephen W. Myers, Esq.
12 Myers & Jenkins
13 One East Camelback Road, Suite 500
Phoenix, AZ 85012
Attorneys for Respondent

14 Dennis R. Parker, D.O.
15 8025 North 6th Place
Phoenix, Arizona 85020

16 COPY of the foregoing
17 sent via electronic mail
this 18th day of September, 2013 to:
November 8

18 Mary DeLaat Williams
19 Assistant Attorney General
1275 W. Washington – CIV/LES
Phoenix, Arizona 85007-2997

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21
22 By: J Jones
23
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